

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Sheffield et al.

Application No.: 10/731,892

Confirmation No.: 4677

Filed: December 9, 2003

Art Unit: 3766

For: **METHODS FOR TREATING AND/OR
COLLECTING INFORMATION REGARDING
NEUROLOGICAL DISORDERS,
INCLUDING LANGUAGE DISORDERS**

Examiner: J. L. Reidel

APPLICATION FOR PATENT TERM ADJUSTMENT RECONSIDERATION
UNDER 37 C.F.R. § 1.705(D)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Applicant requests reconsideration of the patent term adjustment indicated in the Issue Notification of July 1, 2009.

(1) Applicant is including the fee set forth in 37 C.F.R. § 1.18(e). Please charge any deficiencies or credit any overpayment to our Deposit Account No. 50-0665, under Order No. 337348055US1 from which the undersigned is authorized to draw.

(2) Statement of Facts

(i) Correct Patent Term Adjustment and Bases for Adjustment

The correct patent term adjustment is 579 days. The PTO's calculated patent term adjustment is 146 days. Applicant is entitled to an additional 433 days of patent term adjustment.

The PTO failed to properly account for the delay under 35 U.S.C. § 154(b)(1)(A), referred to as the "A delay." The A delay is 458 days.

The PTO failed to properly account for the delay under 35 U.S.C. § 154(b)(1)(B), referred to as the "B delay." The B delay, as the first RCE was filed on April 7, 2008, is 485 days.

The PTO properly accounted for the overlap under 35 U.S.C. § 154(b)(2)(A) in the A delay and the B delay. The overlap is 0 days.

The PTO properly accounted for the reduction in patent term adjustment under 35 U.S.C. § 154(b)(2)(C). The reduction is 364 days.

The correct patent term adjustment is the sum of the A delay and the B delay minus the overlap and minus the reduction. Thus, the correct patent term adjustment is $458+485-0-364$, which is 579 days.

(ii) Relevant Dates

A Delay		
Filing Date + 14 months	02/09/2005	↓
First Office Action	04/18/2006	433
Reply to Office Action	10/27/08	↓
Notice of Allowance	03/24/09	25
Total		458

B Delay		
Filing Date + 3 years	12/09/2006	↓
1 st RCE Filed	04/07/2008	485
Total		485

Overlap		
Filing Date + 3 years	12/09/2006	↓
First Office Action	04/18/2006	0
Total		0

Reduction		
Notice to File Missing Parts	03/22/2004	↓
Reply to Notice	10/18/2004	118
Office Action	04/18/2006	↓
Reply to Office Action	07/18/2006	0
Office Action	09/28/2006	↓
Reply to Office Action	02/27/2007	61
Office Action	05/04/2007	↓
Reply to Office Action	11/05/2007	93
Office Action	06/25/2008	↓
Reply to Office Action	10/27/2008	32
IDS	04/06/2007	38
IDS	04/28/2008	21
IDS	10/28/2008	1
Total		364

(iii) Terminal Disclaimer

The patent is not subject to a terminal disclaimer.

(iv) Failure to Engage in Reasonable Efforts

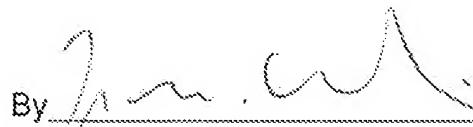
Applicant is not contesting the reduction in patent term adjustment of 364 days as accounted for by the PTO that are "deemed" to be a failure to engage in reasonable efforts under 37 C.F.R. § 1.704. There were no circumstances constituting a failure to engage in reasonable efforts to conclude processing or examination of the application under 37 C.F.R. § 1.704.

Docket No.: 337348055US1
(PATENT)

The Commissioner is authorized to charge any extension of time fees or other fees that may be required under 37 C.F.R. § 1.17 for any paper filed concurrently herewith or in the future, or credit any overpayment, to Deposit Account No. 50-0665.

Dated: September 21, 2009

Respectfully submitted,

By 

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